

I was 22 years old and in a relationship with another man, when I was charged with CSC 4th degree for "supposedly touching a 19 year old males crotch." The "so-called victim" ran to the Public Safety Department at Oakland Community College (Farmington Hills Campus) and reported to the Officer on duty to cover up his tracks for grabbing my breasts as I was cleaning up from the first responder class that I was a student assistant for. The public safety department took his word & ran to the prosecutors' office. The "so-called" victim died six years ago in a boating accident. Being labeled as "a sex offender" which I am not is truly HORRIFIC, leaving my family & I completely devastated.

Just as with the cases that are overturned when scientific methods progressed to reveal contradictory evidence, measures need to be taken to give justice in cases which have applied inappropriate legal consequences of the list that do not require this level of humiliation of a persons rights and freedoms. Currently our Legal Justice System has a motion that allows the defendant to have their conviction set aside & expunged. Meaning that after five years with no other convictions you can petition the court to grant you this motion to give you a conviction free record. In 2003, I had my CSC 4th degree conviction set aside & expunged by the trial Judge. I know that I am extremely fortunate as the majority of CSC cases are never set aside or expunged, nor was my trial Judge ever known to grant an order like mine. The flip side and unfair justice to the motion being granted is that I am still required to register as a Sex Offender, which has prevented me from being able to get or maintain employment, dating & marriage & one day having children. I know I still have an up hill battle for the next 13 years until I come off the registry, but if I don't fight for my rights who will?

What happened to the saying "innocent until proven guilty?" Now you are "guilty until proven innocent." Before DNA evidence was allowed to be used in the Judicial system, countless of innocent people have been killed on death row, and being on the sex offender registry is not much different. Where is equal justice for one & all? Unfortunately, my parents & I no longer believe in the legal justice system. People like myself do not deserve to be classified as a sex offender as you can't paint everyone with the same broad brush.

Is the Sex Offender Registry Double Jeopardy? Lets take a look at the Fifth Amendment of the US Constitution... "No person shall... be subjected for the same offense, to be twice put in jeopardy of life or limb." "This provision, known as the Double Jeopardy Clause, prohibits State and Federal Governments from prosecuting individuals for the same crime on more than one occasion, or imposing more than one punishment for a single offense. As a result, I see and feel that the Sex Offender Registry falls under Double Jeopardy & contradicts the Fifth Amendment of the US Constitution. If a person is sentenced to probation or even incarcerated and have completed their sentence they should be allowed to move on with their lives. Wrong, now we are faced with a horrific 25 year to life sentence on the sex offender registry & some having to wear a GPS system for life. If I'm not mistaken we are being punished twice for the same crime. The more that the S.O.R is changed the more it violates our Civil Rights and that is

cruel and unusual punishment.

What is a reasonable length of time that one should be required to register for? On June 17, 2010, the State of Michigan Court of Appeals stated in case no. 05-14491-FH the following: "While case law clearly states that SORA registration is not a condition of probation, there is ample case law that stands for the proposition that once a defendant has been discharged from probation, a trial court no longer has jurisdiction over that defendant. Even though SORA registration is regulatory and not a punishment, there must be an outside limit to its application. The most logical limit is at the end of the trial courts jurisdiction over the case. This way defendants are not left wondering whether they may be subject to sex offender registration at any time, even years after the commission of their crimes."

Truthfully the Sex Offender Registry is **OUTRAGOUS**, and nothing but a **HUGE WITCH HUNT**. There are many sex offenders that end up homeless and live and sleep under viaducts. Please point out to me and the rest of us sex offenders where it is stated in the US Constitution where a person can or cannot live because they are labeled as a sex offender. This is no different from the European Camps, being told where one can live and what one is allowed to do. If the Government is going to be harsh and crack down on sex offenders then it is time to crack down on murderers, drunk drivers & drug dealers that have killed people.

In all fairness, I feel that a Judge should have the right to decide on a case by case basis if a person, not just juveniles, should be removed from the registry but I see that even a Judge doesn't have the authority to make a decision. I should be given a chance to live my life & gain employment, but the damage of being seen on the registry may be too late if one is removed when it comes to employment. If you are rehabilitated to rejoin society again then those people like myself should be removed **IMMEDIATELY** from the Sex Offender Registry. If the Government does not want to remove us from the registry, then the Government should financially support us for life as we are unable to support ourselves. Please read this carefully & take into consideration everything I have mentioned.

Thank You,
Dana

A handwritten signature in black ink that reads "Dana Schwartzfeld". The signature is written in a cursive, flowing style.